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OCT 29 2005

OCT 29 2005

DOCKET NO. 1657

CLERK'S OFFICE

FOR THE JUDGAL PANEL ON

WULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-26)

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,668 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck
Clerk of the Panel

inesmuch as no objection is pending at this time, the stay is lifted.

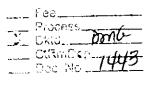
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CLERK'S OFFICE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

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Deputy Clerk, U.S. District Court
Eastern District of Louisiana
New Orleans, LA





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Mariane Marks, etc. v. Merck & Co., Inc. Beverly Carole Maxwell, et al. v Merck & Robert Fontaine Booher, et al. v. Merck &

Beverly Carole Maxwell, et al. v Merck & Co., Inc.

Robert Fontaine Booher, et al. v. Merck & Co., Inc.

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## **Notice of Distribution**

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02659 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

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Honorable Bernice Donald US DISTRICT COURT